

DOCKET NO.: MSFT-3017/ 307734.01
Application No.: 10/828,947
Office Action Dated: April 19, 2007

PATENT
PRE-APPEAL REQUEST FOR REVIEW
FILED UNDER OG NOTICE OF
12 JULY 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Edward Triou, Jr., Andre Milbradt,
Osarumwemse U. Agbonile, and Affan
Arshad Dar**

Confirmation No.: 7147

Application No.: 10/828,947

Group Art Unit: 2174

Filing Date: April 21, 2004

Examiner: Anil N. Kumar

**For: SYSTEMS AND METHODS FOR AUTOMATED CLASSIFICATION AND
ANALYSIS OF LARGE VOLUMES OF TEST RESULT DATA**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant respectfully requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets. No more than five pages are provided.

REMARKS

Claims 1-12, 14, 22-24, and 27 are pending and rejected. Claims 1, 7, 8, and 22 are independent. Pre-appeal review of the outstanding rejections is requested because the Examiner has omitted one or more essential elements needed for a *prima facie* rejection.

In an Official Action dated April 19, 2007, claims 1-3 and 7 under 35 U.S.C. § 102(b) as allegedly anticipated by Pub. No. US 2002/0124213 A1 (Ahrens), and claims 4-6, 8-12, 14, 22-24, and 27 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ahrens in view of U.S. Pat. 7,058,860 (Miller).

Brief Overview of Applicants' Claimed Invention

Today's software testing produces an enormous number of test results, because many software operations are tested in many test scenarios. For example, a software operation may be tested against every operating system environment in which the software may be deployed. As would be expected, many tests produce many test results. Test results can be unwieldy due to the sheer volume. Embodiments of the invention thus provide for automated classification and analysis of large volumes of test result data. Very generally, test result data is classified around representative test failures.

One aspect of the independent claims is that they make numerous references to "test result data" and "test failures." Another aspect is that independent claims 1 and 7, for example, provide for "linking said list of operating systems to said representative test failure in said database." Similarly, independent claim 8 recites "linking an operating system identification from said test result file to said failure characteristics if said data from a test result file matches said failure characteristics." Independent claim 22 provides "adding said operating system identifier to a list of operating system identifiers associated with said single failure."

Distinction Between Applicants' Claims and Ahrens

Ahrens pertains to error reporting, and not to test result classification. As a result, the above referenced limitations are not disclosed. Ahrens makes no reference to test result data or test failures.

Furthermore, Ahrens does not link operating system information to test failures as specified in Applicants' claims. Ahrens provides an operating system identifier when reporting an error event, as disclosed in Ahrens paragraph 0049. If the error occurs again, Ahrens increments a counter, as disclosed in Ahrens 0051. However, besides the operating system that initially reports an error, Ahrens does not maintain information about which other operating systems experience the error. Ahrens 0051 states, “[i]f an event log entry has already been logged, a counter is incremented to indicate the number of times an error log entry is received for this particular error event. If no error event log entry has already been logged, this event log entry will be logged.”

Compare, for example, Applicants' claims 1 and 7, which require “parsing said test result data to generate a list of operating systems corresponding to said representative test failure and said at least one related test failure” and “linking said list of operating systems to said representative test failure in said database.”

Applicants' claim 8 requires “linking an operating system identification from said test result file to said failure characteristics if said data from a test result file matches said failure characteristics.” Ahrens does not conditionally link the operating system identifier to other information, such as failure characteristics, as required by the claim. Instead Ahrens maintains an error log that always has an operating system identifier field.

Applicants' claim 22 requires “adding said operating system identifier to a list of operating system identifiers associated with said single failure.” Once again, Ahrens logs an operating system when an error is first logged, then increments a counter. Ahrens does not include additional operating system identifiers in a list of operating system identifiers.

Because the Official Action relies on Ahrens as disclosing the above described aspects of the claims, and because these aspects are not in fact disclosed by Ahrens, the Official Action has omitted one or more essential elements needed for a *prima facie* rejection. The dependent claims define over Ahrens for the same reason. The Official Action does not allege that Miller, Snover, or the other references of record cure the above described deficiency of Ahrens.

Applicants respectfully request either a reopening of prosecution on the merits and an appropriate Office communication in due course, or if appropriate, a proposed amendment

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proposing changes that, if accepted, may result in an indication of allowability for the contested claims, or, alternatively, allowance of the existing claims.

Date: October 18, 2007

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